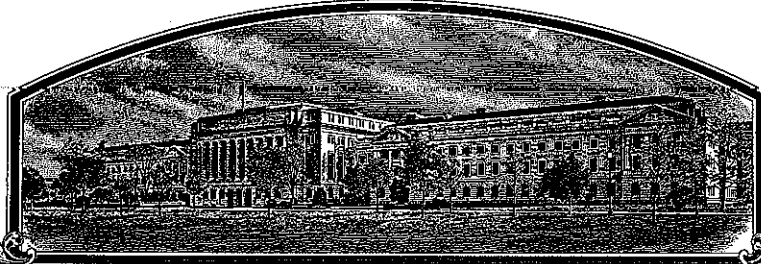


No.

200500241



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS, SHALL COME:

Hybas Vegetable Seed Co. Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Ambush'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-ninth day of November, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service


Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Pybas Vegetable Seed Co., Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PYB 5853	3. VARIETY NAME Ambush
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2320 Thompson Way, Unit H Santa Maria, CA 93455		5. TELEPHONE (include area code) (805) 922-4624	FOR OFFICIAL USE ONLY PVPO NUMBER 200500241 FILING DATE May 3, 2005
		6. FAX (include area code) (805) 928-0293	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation	8. IF INCORPORATED, GIVE STATE OF INCORPORATION CA	9. DATE OF INCORPORATION December 16, 1983	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Keith Trammell PO Box 868 Santa Maria, CA 93456			FILING AND EXAMINATION FEES: \$ 3,652 - DATE May 3, 2005 CERTIFICATION FEE: \$ 768 - DATE October 29, 07
11. TELEPHONE (include area code) (805) 922-4624	12. FAX (include area code) (805) 928-0293	13. E-MAIL keithtrammell@pybasseeds.com	
14. CROP KIND (Common Name) Lettuce	16. FAMILY NAME (Botanical) Asteraceae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Lactuca sativa	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
a. <input type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input type="checkbox"/> Exhibit B. Statement of Distinctness c. <input type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) Robert E. Pybas		NAME (Please print or type)	
CAPACITY OR TITLE President	DATE 4/29/05	CAPACITY OR TITLE President	DATE

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Date of first sale: 5/7/05 - We market our seed exclusively through our dealer network and as such we have no direct knowledge of the marketing of 'Ambush'.

5/7/04 PER EMAIL LXL 9/21/07 SEE SALES SLIP

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A
Origin and Breeding History of
The Lettuce Variety 'Ambush' (PYB 5853)

'Ambush' was derived from a cross made in the summer of 1996 between its female parent 'Fallgreen' and its male parent, 'Marksman'. The development of 'Ambush' was achieved through the use of the pedigree breeding method.

The F1 seed was planted in the greenhouse in December 1996 and F2 seed was harvested in late spring 1997. The F1s were observed to be unusually slow to bolt.

The F2 generation was planted in two trials near Yuma, AZ in September 1997. These trials matured on November 20th. The F2 populations were seen to segregate primarily for head size, core length, and exposure of the head. A total of seven F2 plants were selected from the two trials. The selection criteria used were large heads, short cores and good coverage of the head by the outer frame leaves. The selections were potted and moved to the green house. A majority of them were rated as being slow or very slow to bolt. Five of the seven F2 plants survived and produced F3 seed in the late spring, 1998.

The five F3s were seeded to a trial near Wellton, AZ on September 10, 1998. At harvest the heads in most of the lines remained puffy. From the plot with the highest percentage of solid heads three plants were selected employing the criteria of head size, head cover, and short cores. The selected plants were placed in the greenhouse and produced F4 seed in the spring of 1999.

The three F4 lots were planted to a trial near Yuma on September 9, 1999. Two of them remained rather puffy at harvest. The third had better solidity. From it six plants were selected, employing the same criteria as before. They were potted and placed in the green house where they produced F5 seed in the spring of 2000. All six plants were scored as being slow bolting.

The F5s were seeded in trial near Yuma, AZ on September 9, 2000. There was good uniformity among the F5s for head and frame size, head cover, shape, and plant type. Thirteen individual plants were selected from the single plot judged to be the most uniform.

Eleven of the thirteen selections survived and produced F6 seed. These lots were planted to a breeding trial near Wellton, AZ in September 2001. There was a high level of uniformity among the eleven F6 sister lines. Remnant seed of the six F6s judged most uniform were bulked together (F6B) and planted in the spring of 2002 in the San Joaquin Valley to increase the line for trialing purposes. This lot (F7B) was given the experimental designation PYB 5853.

The F7B lot of PYB 5853 was trailed in the desert in the 2002, 2003, and 2004 fall harvest seasons and in the warm summer production period in the King City area in the lower Salinas Valley and in the Santa Maria Valley on the California coast. In all of these trials PYB 5853 has been uniform and stable.

PYB 5853 was named 'Ambush' in early 2004 and was first offered for sale on 5-7-2004. The F7B lot was used as the stock seed source for a production increase of 'Ambush' in the San Joaquin Valley in 2004. An early grow out of this increase in the late fall of 2004 showed the variety once again to be uniform.

During the last three generations of its development, 'Ambush', has been uniform and stable. No variants or off types have been observed.

EXHIBIT B
Statement of Distinctness for the
Lettuce Variety 'Ambush' (PYB 5853)

'Ambush' is most similar to the iceberg lettuce variety 'Venus'. Both varieties because of their slow bolting natures are best adapted to the warmest periods and locations in California's coastal lettuce production areas.

There are, however, distinct differences in their head diameters and head weights at market maturity and in their seed stem's height and width in the flowering stage. 'Ambush' has mature heads with a larger diameter than 'Venus' (14.2cm Vs 13.2cm) and heads which are heavier (624gms Vs 436gms). The numbers here are the averages of the means reported in Trials 1 and 2, which were significant at the 95% level in both trials.

In its full flowering stage 'Ambush' is much taller than 'Venus' (126cm Vs 105cm) and it has a broader seed head (51cm Vs 37cm). See Trial 3.

Other differences between 'Ambush' and 'Venus' are as follows:

	'Ambush'	'Venus'
Cotyledon shape	Broad	Intermediate
Shape of fourth leaf	Oval	Elongated
4 th leaf apical margin	Coarsely dentate	Entire
4 th leaf reflexing	Apical margin	None
Butt shape	Rounded	Flat

EXHIBIT B

Trial 1. Betteravia Farms, Ranch 7 West. Santa Maria, CA., Seeded: 6/15/04. Evaluated: 8/20/04. Completely Random Design. Sample size: 24 plants. Student's t-Test: $t(\text{req'd}) 0.05 = 2.01$, $df = 46$

Frame Diameter

Mean (cm)

Ambush

49

Venus

49

Std. Dev.

2

2

Range

44-53

46-52

t Value = 1.29

Head Weight

Mean (gms)

652

468

Std. Dev.

164

105

Range

452-938

281-638

t Value = 4.61*

Head Diameter

Mean (cm)

14.7

13.5

Std. Dev.

1

1

Range

13-16

11.5-16

t Value = 3.71*

Core Height

Mean (mm)

27

31

Std. Dev.

5

5

Range

20-35

21-39

t Value = 3.01*

Core Width

Mean (mm)

27

29

Std. Dev.

3

4

Range

23-34

24-36

t Value = 2.41*

EXHIBIT B

Trial 2. Guadalupe, CA., Seeded: 6/15/04. Evaluated: 8/20/04. Completely Random Design. Sample Size: 24 plants. Student's t-Test: $t(\text{req'd}) 0.05 = 2.01$, $df=46$

Frame Diameter

	<u>Ambush</u>	<u>Venus</u>
Mean (cm)	49	48
Std. Dev.	3	2
Range	45-53	45-52
t Value = 1.07		

Head Weight

	<u>Ambush</u>	<u>Venus</u>
Mean (gms)	596	404
Std. Dev.	107	108
Range	367-868	268-636
t Value = 6.14*		

Head Diameter

	<u>Ambush</u>	<u>Venus</u>
Mean (cm)	13.7	12.8
Std. Dev.	1	1
Range	12.5-17.0	11.0-14.0
t Value = 3.07*		

Core Height

	<u>Ambush</u>	<u>Venus</u>
Mean (mm)	27	28
Std. Dev.	5	5
Range	17-35	20-37
t Value = 0.61		

Core Width

	<u>Ambush</u>	<u>Venus</u>
Mean (mm)	27	27
Std. Dev.	2	3
Range	25-32	24-31
t Value = 0.11		

EXHIBIT B

Trial 3. Bolting test, Buttonwillow, CA., Seeded: 4/29/03. Evaluated: 8/11/04. Completely Random Design.
Sample size: 32 plants. Student's t-Test: $t(\text{req'd})_{0.05} = 2.00$, $df = 62$

Seeder Plant Height

Mean (cm)

Ambush

126

Venus

105

Std. Dev.

5

5

Range

114-136

96-115

t Value = 15.75*

Seed Head Width

Mean (cm)

51

37

Std. Dev.

5

4

Range

40-67

32-45

t Value = 11.60*

OBJECTIVE DESCRIPTION OF VARIETY
LETTUCE *Lactuca sativa*

NAME OF APPLICANT (S) Pybas Vegetable Seed Co., Inc.	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 2320 Thompson Way Santa Maria, CA 93455	PVP NUMBER 200500241
	VARIETY NAME Ambush
	EXPERIMENTAL DESIGNATION PYB 5853

Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number (at least 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is: Santa Maria, CA	Color System Used: Royal Horticultural Society
--	---

1. PLANT TYPE: (See list of suggested check varieties page 4.)

06	01=Cutting/Leaf 02=Butterhead 03=Bibb 04=Cos or Romaine	05=Great Lakes Group 06=Vanguard Group 07=Imperial Group 08=Eastern (Ithaca) Group	09=Stem 10=Latin 11=OTHER
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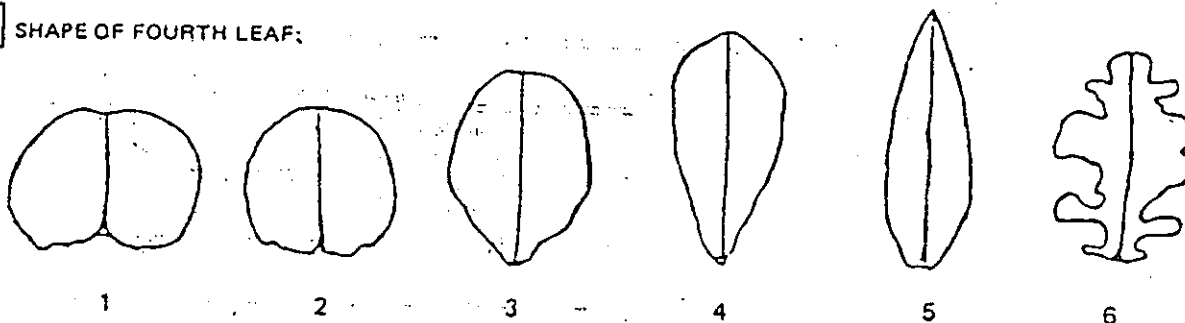
2. SEED:

2	COLOR 1=White (Silver Gray) 2=Black (Gray Brown) 3=Brown (Amber)	LIGHT DORMANCY 1=Light Required 2=Light Not Required	HEAT DORMANCY 1=Susceptible 2=Not Susceptible
---	---	--	---

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions.

1 SHAPE OF COTYLEDONS: 1=Broad 2=Intermediate 3=Spatulate

3 SHAPE OF FOURTH LEAF:



18 LENGTH/WIDTH INDEX OF FOURTH LEAF: LW x 10

5	APICAL MARGIN:	1=Entire 2=Crenate/Gnawed 3=Finely Dentate	4=Moderately Dentate 5=Coarsely Dentate 6=Incised	7=Lobed 8=OTHER (specify)
5	BASAL MARGIN:			
2	UNDULATION:	1=Flat	2=Slight	3=Medium 4=Marked
3	GREEN COLOR:	1=Yellow Green 2=Light Green	3=Medium Green 4=Dark Green	5=Blue Green 6=Silver Green 7=Gray Green
	ANTHOCYANIN:			
1	DISTRIBUTION:	1=Absent 2=Margin Only	3=Spotted 4=Throughout	5=OTHER (specify)
	CONCENTRATION:	1=Light	2=Moderate	3=Intense
1	ROLLING:	1=Absent	2=Present	
2	CUPPING:	1=Uncupped	2=Slight	3=Markedly
2	REFLEXING:	1=None	2=Apical Margin	3=Lateral Margins

4. MATURE LEAVES (observe harvest-mature outer leaves):

200500241

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

MARGIN:

2	INCISION DEPTH: (deepest penetration of the margin)	1=Absent/Shallow (Dark Green Boston)	2=Moderate (Vanguard)	3=Deep (Great Lakes 659)
2	INDENTATION: (finest divisions of the margin)	1=Entire (Dark Green Boston)	3=Deeply Dentate (Great Lakes 659)	5=OTHER (specify)
2	UNDULATION OF THE APICAL MARGIN:	2=Shallowly Dentate (Great Lakes 65)	4=Crenate (Vanguard)	
2	GREEN COLOR:	1=Absent/Slight (Dark Green Boston)	2=Moderate (Vanguard)	3=Strong (Great Lakes 659)
2		1=Very Light Green (Bibb)	3=Medium Green (Great Lakes)	5=Very Dark Green
2		2=Light Green (Minetto)	4=Dark Green (Vanguard)	6=OTHER
ANTHOCYANIN (grown at or below 10 C):				
4	DISTRIBUTION:	1=Absent	3=Spotted (Calif. Cream Butter)	5=OTHER (specify)
		2=Margin Only (Big Boston)	4=Throughout (Prize Head)	
	CONCENTRATION:	1=Light (Iceberg)	2=Moderate (Prize Head)	3=Intense (Ruby)
2	SIZE:	1=Small	2=Medium	3=Large
1	GLOSSINESS:	1=Dull (Vanguard)	2=Moderate (Salinas)	3=Glossy (Great Lakes)
1	BLISTERING:	1=Absent/Slight (Salinas)	2=Moderate (Vanguard)	3=Strong (Prize Head)
2	LEAF THICKNESS:	1=Thin	2=Intermediate	3=Thick
2	TRICHOMES:	1=Absent (smooth)	2=Present (spiny)	

5. PLANT (at market stage. Choose a comparison variety appropriate for this type.):

4	9	cm This Variety	4	9	cm Venus	(specify comparison variety)	
1	4	cm This Variety	1	3	cm Venus	(specify comparison variety)	
3	HEAD SHAPE:	1=Flattened	3=Spherical	5=Non-Heading			
		2=Slightly Flattened	4=Elongate	6=OTHER			
2	HEAD SIZE CLASS:	1=Small	2=Medium	3=Large			
2	4	HEAD COUNT PER CARTON					
6	2	4	g This Variety	4	3	6 g Venus	(specify comparison variety)
3	HEAD FIRMNESS:	1=Loose	3=Firm				
		2=Moderate	4=Very Firm				

6. BUTT (bottom of market-trimmed head):

3	SHAPE:	1=Slightly Concave	2=Flat	3=Rounded
1	MIDRIB:	1=Flattened (Salinas)	2=Moderately Raised	3=Prominently Raised (Great Lakes 659)

7. CORE (stem of market-trimmed head):

2	7	mm Diameter at base of head				
0	5	3	Ratio of head diameter/core diameter			
2	7	mm This Variety	3	0	mm Venus	(specify comparison variety)

8. BOLTING (Give First Water Date 4/28/2004):

NOTE: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

7	3	This Variety	6	4	Venus	(specify comparison variety)	
2	BOLTING CLASS:	1=Very Slow	3=Medium	5=Very Rapid			
		2=Slow	4=Rapid				
1	2	6	cm This Variety	1	0	5 cm Venus	(specify comparison variety)

5 1

Spread of Bolter Plant (at widest point):

cm This Variety

3 7

cm Venus

(specify comparison variety)

1

BOLTER LEAVES:

1=Straight

2=Curved

2

MARGIN:

1=Entire

2=Dentate

2

COLOR:

1=Light Green

2=Medium Green

3=Dark Green

2

BOLTER HABIT:

TERMINAL INFLORESCENCE:

1=Absent

2=Present

2

LATERAL SHOOTS:
(above head)

1=Absent

2=Present

1

BASAL SIDE SHOOTS:

1=Absent

2=Present

9. MATURITY (earliness of harvest-mature head formation):

NOTE: Complete this section for at least one season.

SEASON	Applic. 1/ #of days	Check 2/ #of days	CHECK VARIETY 3/
Spring	<input type="text"/>	<input type="text"/>	
Summer	0 6 6	0 6 6	Venus
Fall	<input type="text"/>	<input type="text"/>	
Winter	<input type="text"/>	<input type="text"/>	

Give planting date(s), and location(s):

Spring

Summer 6/15, Santa Maria, CA, 6/15, Guadalupe, CA

Fall

Winter

1/ First water date to harvest.

2/ Fill in check variety name on the appropriate line.

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTION (tested and proven adapted):

(0=Not tested

1=Not Adapted

2=Adapted)

2

Southwest (Calif., Ariz. desert)

2

West Coast

0

Northeast

0

Northcentral

0

Southeast

OTHER

SEASON:

0

Spring (area _____)

2

Fall (area Southwest _____)

2

Summer (area West Coast _____)

Winter (area _____)

0

GREENHOUSE:

0=Not tested

1=Not Adapted

2=Adapted

1

SOIL TYPE:

1=Mineral

2=Organic

3=Both

11. DISEASES AND STRESS REACTIONS (0=Not tested; 1=Susceptible; 2=Intermediate; 3=Resistant; 4=Highly resistant; 5=Tolerant):

VIRUS

- ☒ 1 Big Vein
☒ 1 Lettuce Mosaic
☐ 0 Cucumber Mosaic
☐ 0 Broad Bean Wilt
☐ 0 Turnip Mosaic
☐ 0 Beet Western Yellows
☐ 0 Lett. Infectious Yellows
☐ Other Virus _____

FUNGAL/BACTERIAL

- ☒ 1 Corky Root Rot (Pythium Root Rot)
☐ 0 Downy Mildew (Races _____)
☐ 0 Powdery Mildew
☐ 0 Sclerotinia Rot
☐ 0 Bacterial Soft Rot (Pseudomonas spp. & others)
☐ 0 Botrytis (Gray Mold)
☐ OTHER _____

INSECTS

- ☐ 0 Cabbage Loopers
☐ 0 Root Aphids
☐ 0 Green Peach Aphid
☐ Other Insect _____

PHYSIOLOGICAL/STRESS

- ☐ 3 Tipburn
☐ 5 Heat
☐ 0 Drought
☐ 0 Cold
☐ 0 Salt
☐ 0 Brown Rib (Rib Discoloration, Rib Blight)
☐ OTHER _____

POST HARVEST

- ☐ 0 Pink Rib
☐ 0 Russet Spotting
☐ 0 Rusty Brown Discoloration
☐ 0 Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)
☐ 0 Brown Stain

12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

13. COMMENTS:

SUGGESTED CHECK VARIETIES

- TYPE**
 1) CUTTING/LEAF
 2) BUTTERHEAD
 3) BIBB
 4) COS, OR ROMAINE
 5) GREAT LAKES GROUP
 6) VANGUARD GROUP
 7) IMPERIAL GROUP
 8) EASTERN GROUP
 9) STEM
 10) LATIN

- CHECK VARIETY**
 SALAD BOWL
 DARK GREEN BOSTON
 BIBB
 PARRIS ISLAND
 GREAT LAKES 659-700
 VANGUARD
 VIVA
 ITHACA
 CELTUCE
 MATCHLESS

Exhibit C

Photograph of fourth true leaf

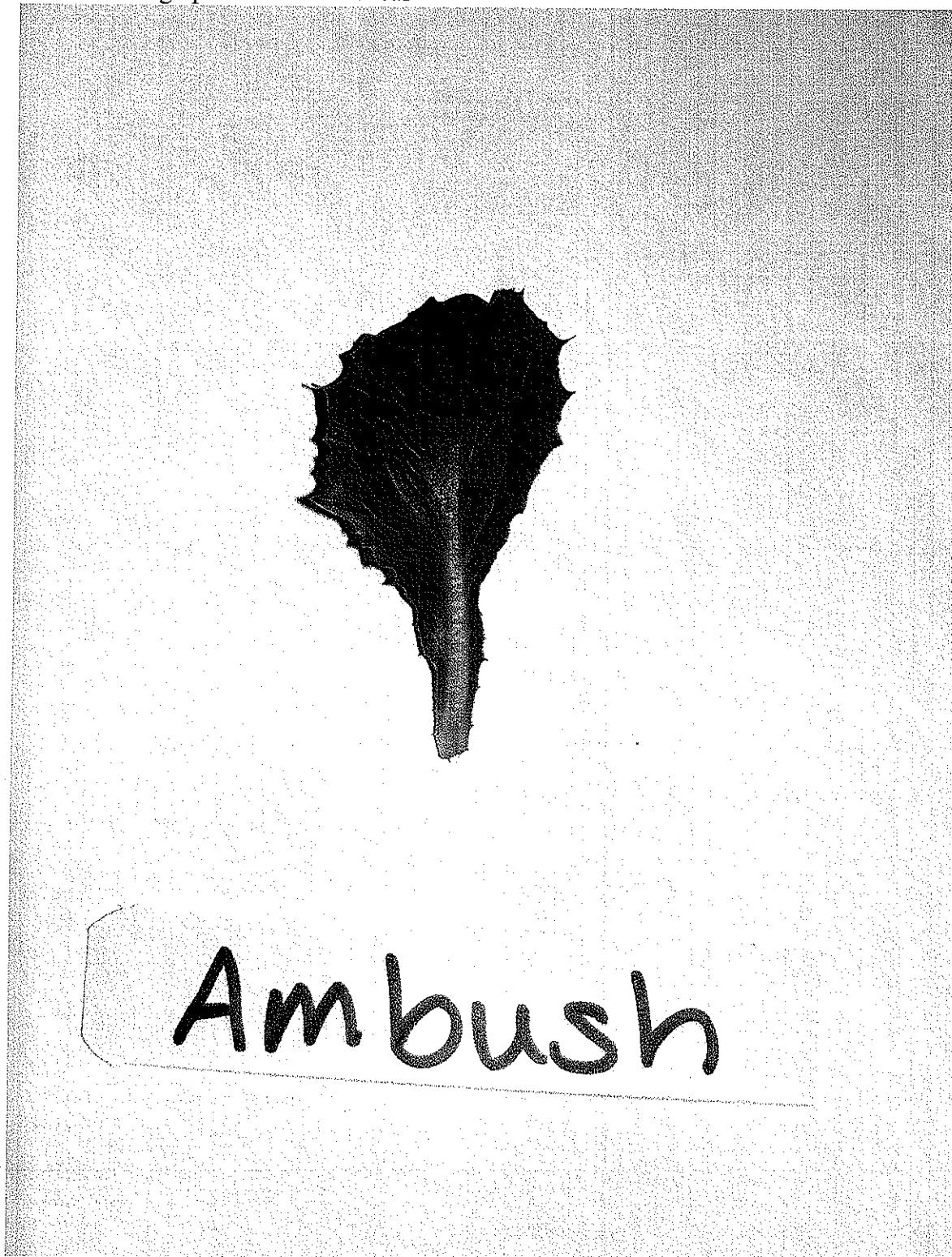
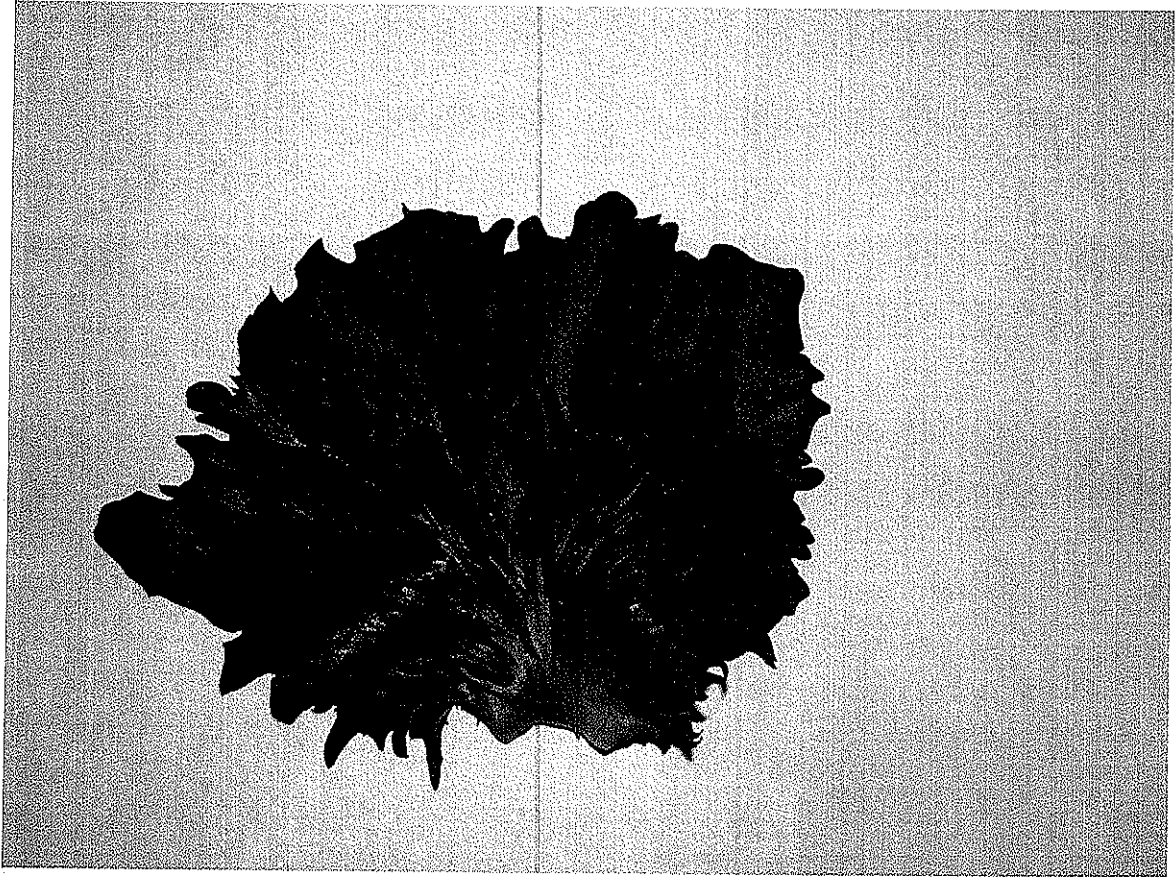


Exhibit C

Photograph of mature leaf



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) Pybas Vegetable Seed Co., Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER PYB 5853	3. VARIETY NAME Ambush
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 2320 Thompson Way Santa Maria, CA 93455	5. TELEPHONE (Include area code) (805) 922-4624	6. FAX (Include area code) (805) 928-0293
7. PVPO NUMBER 200500241		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

"Ambush" was developed by Keith Trammell, plant breeder for Pybas Vegetable Seed Co., Inc.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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